HILL AND KNOWLTON, INC.

Confidential for Members

Kansas City Lawsuit
Special PR No. K6-62
Monday, June 25, 1962

Ross vs. Philip Morris, Inc.

Reading of Dr. Kenneth Devine's deposition was completed Monday and the rest of the day was spent mostly in the reading of other depositions including that of Dr. Alton Ochsner. John Ross returned to the stand briefly to testify there was no history of cancer in his family.

In cross examination, Ross said he did not remember telling doctors at the Mayo Clinic, where he was operated on, that prior to his operation he had suffered jaundice, scarletina and pneumonia.

Lyman Field, Ross's attorney, read the deposition of a defense witness, Dr. Edith Parkhill, a pathologist at Mayo Clinic who examined tissue specimens from Ross's cancer and reported it to be cancer of the left pyriform fossa.

Dr. Parkhill said she knew of no scientific evidence supporting the claim that particles in air or tobacco smoke might touch upon the area where Ross's cancer was found. In cross examination she said, however, that cigarette smoke was able to get into that area.

The deposition of Dr. Alton Ochsner, New Orleans thoracic surgeon, taken on April 29, 1959, was read. Parts of the deposition were excluded following objection by defense counsel David Hardy, out of the jury's hearing, who said Dr. Ochsner did not at any time refer to cancer of the pyriform fossa. However, the court permitted Dr. Ochsner's testimony that he believed smoking caused both epidermoid lung cancer and epidermoid larynx cancer.

Dr. Ochsner's answer to the hypothetical question asked of other medical witnesses by Field was permitted by the court. The surgeon said there was no question in his mind that Ross's cancer resulted from smoking.

In cross examination, Dr. Ochsner was questioned about alcohol and other suspect factors related to larynx cancer. There also were questions about extrinsic and intrinsic cancers of the larynx. Dr. Ochsner said he had performed only two or three larynx cancer operations in the last 10 years and that he had never written an article on such cancers.

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In redirect examination, Ochsner was questioned about various medical articles on tobacco and cancer published in the 1920's and later. Following defense counsel's objection, reading of excerpts from the articles was not permitted. But the witness was permitted to give the dates and titles of the articles.

At one point Paul Coxsey, Kansas City pharmacist, was called as a witness. He said that between 1941 and 1952 he recalled selling Ross only Philip Morris cigarettes.

Reading began of the November 19, 1959, deposition of Dr. Michael Shimkin of the National Cancer Institute. He said he believed it was considered "established fact" that there was a causative relationship between smoking and cancers of the lung, larynx and certain intraoral sites.

Court recessed for the day before reading of Dr. Shimkin's deposition was completed.

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